

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CALLAWAY GOLF COMPANY,)	
)	
Plaintiff,)	C.A. No. 06-91 (SLR)
)	
v.)	
)	
ACUSHNET COMPANY,)	
)	
Defendant.)	

**NOTICE OF APPEAL
(TO THE FEDERAL CIRCUIT)**

Notice is hereby given that pursuant to 28 U.S.C. § 1292(a)(1) and 1292(c)(2), or other appellate jurisdiction, and pursuant to Fed. R. App. P. 4(a)(1), Defendant Acushnet Company (“Acushnet”) appeals to the **United States Court of Appeals for the Federal Circuit** from the Judgment in a Civil Case dated December 19, 2007 (D.I. 404), in those parts adverse to Acushnet, and from all underlying decisions, orders, and rulings related to, supporting, or incorporated in that Judgment as adverse to Acushnet, including but not limited to: All decisions, orders and rulings challenged by Acushnet in its post-trial motion, memorandum and reply brief (D.I. 409, 417, 465), and all decisions, orders and rulings entered adverse to Acushnet related to, supporting, or incorporated in the November 10, 2008 Order entering a permanent injunction (D.I. 493), the November 10, 2008 Memorandum Opinion resolving all post-trial motions for judgment as a matter of law and a new trial (D.I. 492), the December 4, 2007 Memorandum Order ruling on reconsideration and evidence issues (D.I. 373), the November 30, 2007 Memorandum Order limiting the admissibility of test ball evidence (D.I. 362), the November 20, 2007 Memorandum Order excluding expert Dr. MacKnight (D.I. 346), the November 20, 2007 Memorandum Order construing the claims of the patents in suit (D.I. 345),

and, without limitation, the Memorandum Opinion and Order dated November 20, 2007, among other things therein granting summary judgment of no anticipation for Plaintiff (D.I. 347, 348).

Respectfully submitted,

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Dated: November 19, 2008
891943 / 30030

Attorneys for Defendant Acushnet Company

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CERTIFICATE OF SERVICE

I, Richard L. Horwitz, hereby certify that on November 19, 2008, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on November 19, 2008, the attached document was Electronically Mailed to the following person(s):

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